

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Kevin Reed,)	C/A No. 4:11-1200-JFA-TER
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Warren B. Giese; Dietrich Lake,)	
)	
Defendants.)	
_____)	

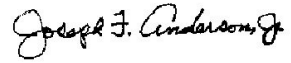
The *pro se* plaintiff brings this action pursuant to 42 U.S.C. § 1983. The Magistrate Judge assigned to this action¹ prepared a Report and Recommendation wherein he suggested that the complaint should be summarily dismissed without prejudice and without issuance and service of process. The plaintiff filed objections to the Report.

The plaintiff has now filed a motion to dismiss pursuant to Rule 41(a) of the Federal Rules of Civil Procedure “due to the fact that the ground upon which the claim was originally filed has not been fully disposed of according to judicial order which is prerequisite before fully stating a valid claim under 42 U.S.C. § 1983.”

For good cause shown, plaintiff’s motion (ECF No. 19) is granted and this action is dismissed without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

October 27, 2011
Columbia, South Carolina